

Message Text

UNCLASSIFIED

PAGE 01 STATE 052427

53

ORIGIN DPW-01

INFO OCT-01 EUR-12 EA-09 IO-11 ISO-00 DHA-02 SCA-01 JUSE-00

INSE-00 ORM-02 VO-03 CIAE-00 /042 R

DRAFTED BY D/HA/PW:FASIEVERTS

APPROVED BY D/HA - JMWILSON

JUSTICE - MR. CHAMBLEE

INS - MR. ISENSTEIN (INFO)

SCA - MR. ANTIPPAS

EA/VLC - MR. ROSENTHAL

----- 121898

R 040235Z MAR 76

FM SECSTATE WASHDC

TO USMISSION GENEVA

INFO AMEMBASSY BANGKOK

AMCONSUL HONG KONG

AMEMBASSY PARIS

UNCLAS STATE 052427

E.O. 11652:NA

TAGS: SGEN, VS

SUBJECT: VIETNAMESE ORPHANS

REF: STATE 292397 (DTG 112046Z DEC 75)

1. PLEASE INFORM HOCKE OF ICRC THAT JUDGE WILLIAMS HAS DENIED THE CERTIFICATION OF THE CLASS IN THE INDOCHINA "BABYLIFT" SUIT, THUS LIMITING THE EFFECT OF THE SUIT TO THE THREE CHILDREN NAMED IN THE ORIGINAL ACTION. THE JUDGE IS TO DECIDE SOON WHETHER TO ALLOW THE PLAINTIFFS AN IMMEDIATE APPEAL OF THIS DECISION. IF HE ALLOWS AN APPEAL, THE PLAINTIFFS WILL PROBABLY SEEK AN EARLY RULING BY THE COURT OF APPEALS. IF THE JUDGE DOES NOT ALLOW AN INTER-LOCUTORY APPEAL, THE PLAINTIFFS COULD STILL APPEAL THIS DECISION SUBSEQUENTLY AS PART OF AN OVERALL APPEAL FOLLOWING

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 052427

THE JUDGE'S FINAL RULING IN THE CASE.

2. THE BASIS OF THE JUDGE'S DECISION IS THAT THE FACTUAL AND LEGAL QUESTIONS RAISED BY THE CIRCUMSTANCES OF THE 2,000 INDIVIDUAL CHILDREN ARE SO DIVERSE AS TO MAKE IT IMPRACTICAL TO ADJUDICATE THE CASES EN MASSE. IF THIS DECISION IS SUSTAINED, IT WOULD END THE CLASS ACTION ASPECT OF THE SUIT, ALTHOUGH IT WOULD NOT OF ITSELF RESOLVE CASES OF CHILDREN WITH INSUFFICIENT DOCUMENTATION TO ESTABLISH THEIR ORPHAN STATUS.

3. WE WISH TO INFORM HOCKE OF THIS DEVELOPMENT AND TO REQUEST THAT ICRC CONTINUE ITS EFFORTS TO INVITE PARENTS IN VIETNAM WHO DID NOT SIGN VALID RELEASES TO COME FORWARD IF THEY WISH FOR PURPOSE OF REUNION WITH THEIR CHILDREN.

4. ALTHOUGH JUDGE WILLIAMS HAS NOT ISSUED A TRACING PLAN, WE WOULD BE GLAD TO HAVE THE ICRC PROCEED IN ACCORDANCE WITH THE PLAN PROPOSED BY THE U.S. ATTORNEY, WHEREBY ICRC WOULD INVITE PARENTS TO COME FORWARD THROUGH NOTICES IN THE MEDIA IN SVN AND/OR THROUGH CONTACT WITH THE APPROPRIATE AUTHORITIES IN SVN. SINCE THE COURT HAS REJECTED THE CLASS ACTION ASPECT OF THE SUIT, WE ARE UNABLE TO FORWARD INDIVIDUAL DOSSIERS TO THE ICRC.

5. WE HOPE THE ICRC WILL PROCEED EXPEDITIOUSLY WITH THIS EFFORT, SINCE THE ADOPTIVE FAMILIES IN THE U.S. STRONGLY HOPE THAT THE TRACING EFFORT WILL BE COMPLETED SOON SO THAT ADOPTIONS CAN BE FINALIZED. WE WOULD HOPE THE ICRC COULD REPORT TO US ON THE RESULTS OF ITS EFFORT NO LATER THAN JUNE 1, 1976, BY WHICH TIME WE HOPE THAT OTHER ASPECTS OF THE BABYLIFT LAWSUIT WILL BE COMPLETED. KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, VISA REGULATIONS, ORPHANS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE052427
Document Source: CORE
Document Unique ID: 00
Drafter: FASIEVERTS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760082-1192
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760394/aaaadfcn.tel
Line Count: 91
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DPW
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 292397
Review Action: RELEASED, APPROVED
Review Authority: blochd0
Review Comment: n/a
Review Content Flags:
Review Date: 02 FEB 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 FEB 2004 by morefirh>; APPROVED <27 JAN 2005 by blochd0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: VIETNAMESE ORPHANS
TAGS: SGEN, SREF, VS
To: GENEVA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006